

# Exhibit A

## EXHIBIT A

### SUMMARY OF BALLOTS

<u>Class Voting</u>	<u>Total No. of Ballots Received</u>	<u>Total No. of Ballots Voting to Accept</u>	<u>Accepting Percentage (No. of Ballots)</u>	<u>Total Amount of Claims Voted</u>	<u>Amount of Claims Voting to Accept</u>	<u>Accepting Percentage (Amount of Claims)</u>
<b>Class 1</b>	0	0	n/a	n/a	n/a	n/a
<b>Class 2</b>	1	1	100%	\$141,158.16 <sup>2</sup>	\$141,158.16	100%
<b>Class 3</b>	3 <sup>3</sup>	0	0%	\$745,155.21 <sup>4</sup>	0	n/a
<b>Class 4</b>	8 <sup>5</sup>	0	0%	Equity	Equity	n/a
<b>Total</b>	12	1	8.3%	\$886,313.37	\$141,158.16	15.9%

<sup>2</sup> On January 10, 2014, BPB filed a Motion for Temporary Allowance of Claim for Voting purposes in the amount of \$141,158.16 [Dkt. 138, p. 4] and an Order granting that Motion was entered on February 18, 2014 [Dkt. 155]

<sup>3</sup> The ballot received from Ogden Perry, a Class 3 claimant, indicates that it is a Class 2 claimant which appears to be a mistake. The ballot is included with the Class 3 claims.

<sup>4</sup> As set forth in the Ballots and Debtor's Amended Schedule F, filed August 19, 2013. (Dkt. No. 57.)

<sup>5</sup> The Debtor also signed a ballot, but it is not included in this tabulation. A copy is included in Exhibit 3, hereto.

## **Exhibit B**

1 Stephen J. Kottmeier (State Bar No. 077060)

2 [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

3 Jay M. Ross (State Bar No. 151750)

4 [jross@hopkinscarley.com](mailto:jross@hopkinscarley.com)

5 HOPKINS & CARLEY

6 A Law Corporation

7 The Letitia Building

8 70 S. First Street

9 San Jose, CA 95113-2406

10 ***mailing address:***

11 P.O. Box 1469

12 San Jose, CA 95109-1469

13 Telephone: (408) 286-9800

14 Facsimile: (408) 998-4790

15 Attorneys for Secured Creditor

16 BOSTON PRIVATE BANK & TRUST

17 COMPANY, formerly known as and successor to

18 Borel Private Bank & Trust Company

19 UNITED STATES BANKRUPTCY COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 SAN JOSE DIVISION

22 In re:

23 272 E. Santa Clara Grocery, LLC,

24 Debtor.

CASE NO. 13-53491

CHAPTER NO. 11

**BALLOT FOR ACCEPTING OR  
REJECTING CREDITOR BOSTON  
PRIVATE BANK & TRUST COMPANY'S  
CHAPTER 11 PLAN OF  
REORGANIZATION DATED DECEMBER  
5, 2013 (AS AMENDED MARCH 20, 2014)**

25 Secured Creditor Boston Private Bank & Trust Company, formerly known as and  
26 successor to Borel Private Bank & Trust Company ("BPB") filed a plan of reorganization dated  
27 December 5, 2013, as amended March 20, 2014 (collectively the "BPB Plan"). On or about April  
28

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

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BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

1 9, 2014, the Court approved a disclosure statement that BPB filed with respect to the BPB Plan  
2 (the "Disclosure Statement"). The Disclosure Statement provides information to assist you in  
3 deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a  
4 copy from BPB's attorney as follows:

5 Stephen J. Kottmeier  
6 Hopkins & Carley, ALC  
7 70 S. First Street  
8 San Jose, CA 95113  
9 Phone: (408) 286-9800  
10 Fax: (408) 998-4790

11 Court approval of the disclosure statement does not indicate approval of the BPB Plan by the  
12 Court.

13 **You should review the Disclosure Statement and the BPB Plan before you vote. You**  
14 **may wish to seek legal advice concerning the BPB Plan and your classification and**  
15 **treatment under the BPB Plan. Your claim and/or equity interest has been placed in a class**  
16 **designated under the BPB Plan. If you hold claims or equity interests in more than one**  
17 **class, you will receive a ballot for each class in which you are entitled to vote. The Classes**  
18 **established by the BPB Plan are as follows:**

19 **Class 1: Secured Tax Claims**

20 **Class 2: BPB's Secured Claim**

21 **Class 3: General Unsecured Claims**

22 **Class 4: Debtor's Equity Holders**

23 **If your signed ballot is not received by Hopkins & Carley, ALC, on or before June**  
24 **11, 2014, and such deadline is not extended, your ballot will not be counted as either an**  
25 **acceptance or rejection of the BPB Plan.**

26 **In this case, the Debtor, 272 E. Santa Clara, LLC, also has filed a Chapter 11 Plan of**  
27 **reorganization ("Debtor's Plan") and you also may receive a ballot inviting you to vote on**  
28 **the Debtor's Plan. If you receive a ballot to vote on the Debtor's Plan, too, and you choose**

1 to vote in favor of both the BPB Plan and the Debtor's Plan, you may indicate on your  
2 ballots any preference you may have between the BPB Plan and the Debtor's Plan.

3 If the BPB Plan is confirmed by the Bankruptcy Court it will be binding on you  
4 whether or not you vote.

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1 **ACCEPTANCE OR REJECTION OF THE PLAN**

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class \_\_\_\_\_ claim against the  
7 Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class \_\_\_\_\_ equity interest in the Debtor, consisting  
10 of \_\_\_\_\_ shares or other interests of *[describe equity interest]* \_\_\_\_\_ in, OR  
11 \_\_\_\_\_% ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☐ REJECTS THE PLAN

14 Print or type name: \_\_\_\_\_

15 Signature: \_\_\_\_\_

16 Title (If corporation or partnership) \_\_\_\_\_

17 Address: \_\_\_\_\_

18  
19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

23  
24 **RETURN THIS BALLOT TO:**

25 **Hopkins & Carley, ALC**  
26 **Attn: Stephen J. Kottmeier, Esq.**  
27 **70 S. First Street**  
28 **San Jose, CA 95113**  
**Fax: (408) 998-4790**  
**Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)**

## **Exhibit C**



1 Stephen J. Kottmeier (State Bar No. 077060)

2 [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

3 Jay M. Ross (State Bar No. 151750)

4 [jross@hopkinscarley.com](mailto:jross@hopkinscarley.com)

5 HOPKINS & CARLEY

6 A Law Corporation

7 The Letitia Building

8 70 S. First Street

9 San Jose, CA 95113-2406

10 ***mailing address:***

11 P.O. Box 1469

12 San Jose, CA 95109-1469

13 Telephone: (408) 286-9800

14 Facsimile: (408) 998-4790

15 Attorneys for Secured Creditor

16 BOSTON PRIVATE BANK & TRUST

17 COMPANY, formerly known as and successor to

18 Borel Private Bank & Trust Company

19 UNITED STATES BANKRUPTCY COURT

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21 SAN JOSE DIVISION

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CASE NO. 13-53491

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CHAPTER 11 PLAN OF  
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5, 2013 (AS AMENDED MARCH 20, 2014)**

25 Secured Creditor Boston Private Bank & Trust Company, formerly known as and  
26 successor to Borel Private Bank & Trust Company ("BPB") filed a plan of reorganization dated  
27 December 5, 2013, as amended March 20, 2014 (collectively the "BPB Plan"). On or about April  
28

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BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

1 9, 2014, the Court approved a disclosure statement that BPB filed with respect to the BPB Plan  
2 (the "Disclosure Statement"). The Disclosure Statement provides information to assist you in  
3 deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a  
4 copy from BPB's attorney as follows:

5 Stephen J. Kottmeier  
6 Hopkins & Carley, ALC  
7 70 S. First Street  
8 San Jose, CA 95113  
9 Phone: (408) 286-9800  
10 Fax: (408) 998-4790

11 Court approval of the disclosure statement does not indicate approval of the BPB Plan by the  
12 Court.

13 **You should review the Disclosure Statement and the BPB Plan before you vote. You**  
14 **may wish to seek legal advice concerning the BPB Plan and your classification and**  
15 **treatment under the BPB Plan. Your claim and/or equity interest has been placed in a class**  
16 **designated under the BPB Plan. If you hold claims or equity interests in more than one**  
17 **class, you will receive a ballot for each class in which you are entitled to vote. The Classes**  
18 **established by the BPB Plan are as follows:**

19 **Class 1: Secured Tax Claims**

20 **Class 2: BPB's Secured Claim**

21 **Class 3: General Unsecured Claims**

22 **Class 4: Debtor's Equity Holders**

23 **If your signed ballot is not received by Hopkins & Carley, ALC, on or before June**  
24 **11, 2014, and such deadline is not extended, your ballot will not be counted as either an**  
25 **acceptance or rejection of the BPB Plan.**

26 **In this case, the Debtor, 272 E. Santa Clara, LLC, also has filed a Chapter 11 Plan of**  
27 **reorganization ("Debtor's Plan") and you also may receive a ballot inviting you to vote on**  
28 **the Debtor's Plan. If you receive a ballot to vote on the Debtor's Plan, too, and you choose**

1 to vote in favor of both the BPB Plan and the Debtor's Plan, you may indicate on your  
2 ballots any preference you may have between the BPB Plan and the Debtor's Plan.

3 If the BPB Plan is confirmed by the Bankruptcy Court it will be binding on you  
4 whether or not you vote.

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6 [Ballot continued on next page]  
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1 ACCEPTANCE OR REJECTION OF THE PLAN

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class 2 claim against the  
7 ONE HUNDRED FORTY-ONE THOUSAND, ONE HUNDRED FIFTY-EIGHT & 14/100 Dollars (\$ 141,158.16 \*);  
8 Debtor in the unpaid amount of PER ORDER DOCKET #155

9 If you hold an equity interest in the Debtor, please complete the following to describe  
10 your interest: the undersigned, the holder of Class \_\_\_\_\_ equity interest in the Debtor, consisting  
11 of \_\_\_\_\_ shares or other interests of [describe equity interest] \_\_\_\_\_ in, OR  
12 \_\_\_\_\_ % ownership interest of the Debtor.

13 ☒ ACCEPTS THE PLAN ☐ REJECTS THE PLAN

14 Print or type name: RAMY ZUCKERMAN - CREDITA BOSTON PRIVATE BANK

15 Signature: [Signature] & TRUST

16 Title (If corporation or partnership) SVP

17 Address: 16000 VENTURA BLVD, SUITE 100

18 ENCINO, CA 91436

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

24 RETURN THIS BALLOT TO:

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Kottmeier, Esq.  
27 70 S. First Street  
28 San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

1 ACCEPTANCE OR REJECTION OF THE PLAN

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class 3 claim against the  
7 Debtor in the unpaid amount of Five Thousand Nine Hundred <sup>Pounds</sup> Dollars (\$ 5,914.21);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class \_\_\_\_\_ equity interest in the Debtor, consisting  
10 of \_\_\_\_\_ shares or other interests of [describe equity interest] \_\_\_\_\_ in, OR  
11 \_\_\_\_\_ % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

14 Print or type name: Richard Gullen

15 Signature: [Signature]

16 Title (If corporation or partnership) Shareholder

17 Address: 1960 The Alameda #200

18 San Jose, CA 95126

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan [initials] Debtor's Plan

23  
24 RETURN THIS BALLOT TO:

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Kottmeier, Esq.  
27 70 S. First Street  
28 San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

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- 4 -

BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

1 ACCEPTANCE OR REJECTION OF THE PLAN

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class 3 claim against the  
7 Debtor in the unpaid amount of \$668,241<sup>00</sup> Dollars (\$ 668,241<sup>00</sup>);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class \_\_\_\_\_ equity interest in the Debtor, consisting  
10 of \_\_\_\_\_ shares or other interests of [describe equity interest] \_\_\_\_\_ in, OR  
11 \_\_\_\_\_ % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

14 Print or type name: Andrew A. Lewis

15 Signature: [Signature]

16 Title (If corporation or partnership) \_\_\_\_\_

17 Address: \_\_\_\_\_

18  
19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

23  
24 RETURN THIS BALLOT TO:

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Kottmeier, Esq.  
27 70 S. First Street  
28 San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [slk@hopkinscarley.com](mailto:slk@hopkinscarley.com)

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

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- 4 -

BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

1 ACCEPTANCE OR REJECTION OF THE PLAN

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class B2 claim against the  
7 Debtor in the unpaid amount of \$80,000 Dollars (\$ 80,000.00);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class \_\_\_\_\_ equity interest in the Debtor, consisting  
10 of \_\_\_\_\_ shares or other interests of [describe equity interest] \_\_\_\_\_ in, OR  
11 \_\_\_\_\_ % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

14 Print or type name: Oren Perry

15 Signature: [Signature]

16 Title (If corporation or partnership) \_\_\_\_\_

17 Address: 10801 Magdo Per.

18 Los Altos Hills CA 94024

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

23  
24 RETURN THIS BALLOT TO:

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Kottmeier, Esq.  
27 78 S. First Street  
28 San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

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- 4 -

BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491







1 **ACCEPTANCE OR REJECTION OF THE PLAN**

2 Please complete the following information regarding the status of your claim (if you are  
3 holder of an equity interest in the Debtor, please specify your percentage of ownership interest  
4 rather than a dollar amount of a claim):

5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class \_\_\_\_\_ claim against the  
7 Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_):

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class 4 equity interest in the Debtor, consisting  
10 of 7.8740 shares or other interests of [describe equity interest] member interest in, OR  
11 7.8740 % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ 4 REJECTS THE PLAN

14 Print or type name: Michael Lach

15 Signature: Michael Lach

16 Title (If corporation or partnership) \_\_\_\_\_

17 Address: PO Box 591

18 Lebanon LA 70070

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

23 **RETURN THIS BALLOT TO:**

24 Hopkins & Carley, ALC  
25 Attn: Stephen J. Kottmeier, Esq.  
26 70 S. First Street  
27 San Jose, CA 95113  
28 Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

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- 4 -

BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

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5 If you hold a secured, priority or non-priority claim, please complete the following  
6 regarding the status of your claim: the undersigned, the holder of a Class \_\_\_\_\_ claim against the  
7 Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_);

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**ACCEPTANCE OR REJECTION OF THE PLAN**

Please complete the following information regarding the status of your claim (if you are holder of an equity interest in the Debtor, please specify your percentage of ownership interest rather than a dollar amount of a claim):

If you hold a secured, priority or non-priority claim, please complete the following regarding the status of your claim: the undersigned, the holder of a Class \_\_\_\_\_ claim against the Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_);

If you hold an equity interest in the Debtor, please complete the following to describe your interest: the undersigned, the holder of Class 4 equity interest in the Debtor, consisting of 3.9370 shares or other interests of [describe equity interest] MEMBER INTEREST in, OR 3.9370 % ownership interest of the Debtor.

☐ ACCEPTS THE PLAN☒ REJECTS THE PLANPrint or type name: Allen R. Tognoli & Tina D. Tognoli, TrusteesSignature: [Signature]Title (If corporation or partnership) San R. Tognoli Trustee

Address: \_\_\_\_\_

If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's Plan, you may check one of the following to reflect your preference (If you did not ACCEPT both Plans, do not answer the following):

I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

**RETURN THIS BALLOT TO:**

Hopkins & Carley, ALC  
Attn: Stephen J. Kottmeier, Esq.  
70 S. First Street  
San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

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6 regarding the status of your claim: the undersigned, the holder of a Class \_\_\_\_\_ claim against the  
7 Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class 4 equity interest in the Debtor, consisting  
10 of 17,322 shares or other interests of [describe equity interest] MEMBER INTEREST in, OR  
11 17.322% % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

14 Print or type name: Open Policy & Dorit G. Perry, Trustees

15 Signature: [Signature]

16 Title (If corporation or partnership) \_\_\_\_\_

17 Address: 10800 Magdo Ave  
18 Los Angeles Hills

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

23  
24 **RETURN THIS BALLOT TO:**

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Koffmeier, Esq.  
27 70 S. First Street  
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HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

54711181261

- 4 -

BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491

**ACCEPTANCE OR REJECTION OF THE PLAN**

Please complete the following information regarding the status of your claim (if you are holder of an equity interest in the Debtor, please specify your percentage of ownership interest rather than a dollar amount of a claim):

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If you hold an equity interest in the Debtor, please complete the following to describe your interest: the undersigned, the holder of Class 4 equity interest in the Debtor, consisting of 39370 shares or other interests of [describe equity interest] member interest in, OR 39370 % ownership interest of the Debtor.

☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

Print or type name: Linda C. Latham

Signature: Linda C. Latham

Title (If corporation or partnership) \_\_\_\_\_

Address: \_\_\_\_\_

If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both Plans, do not answer the following):

I PREFER THE: \_\_\_\_\_ BPB Plan \_\_\_\_\_ Debtor's Plan

**RETURN THIS BALLOT TO:**

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Attn: Stephen J. Kottmeier, Esq.  
70 S. First Street  
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Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

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6 regarding the status of your claim: the undersigned, the holder of a Class 4 claim against the  
7 Debtor in the unpaid amount of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_);

8 If you hold an equity interest in the Debtor, please complete the following to describe  
9 your interest: the undersigned, the holder of Class 4 equity interest in the Debtor, consisting  
10 of 100% shares or other interests of [describe equity interest] \_\_\_\_\_ in, OR  
11 100% % ownership interest of the Debtor.

12  
13 ☐ ACCEPTS THE PLAN ☒ REJECTS THE PLAN

14 Print or type name: Debtor 272 E. SANTA CLARA GROVE, LLC

15 Signature: [Signature]

16 Title (If corporation or partnership) Andrew A. Lewis, Manager

17 Address: \_\_\_\_\_  
18 \_\_\_\_\_

19 If you did or will vote to ACCEPT the BPB Plan and voted to ACCEPT the Debtor's  
20 Plan, you may check one of the following to reflect your preference (if you did not ACCEPT both  
21 Plans, do not answer the following):

22 I PREFER THE: \_\_\_\_\_ BPB Plan Debtor's Plan

23  
24 RETURN THIS BALLOT TO:

25 Hopkins & Carley, ALC  
26 Attn: Stephen J. Kottmeier, Esq.  
27 70 S. First Street  
28 San Jose, CA 95113  
Fax: (408) 998-4790  
Email: [sjk@hopkinscarley.com](mailto:sjk@hopkinscarley.com)

HOPKINS & CARLEY  
ATTORNEYS AT LAW  
SAN JOSE

54711118126.1

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BALLOT FOR ACCEPTING OR REJECTING BPB PLAN OF REORGANIZATION CASE NO. 13-53491